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ADVOCATES, CONSULTANTS & NOTARY

BRANCHES: DUBAI | SINGAPORE | DELHI | MUMBAI | KOLKATA | CHENNAI | COCHIN info@calliduscmc.com

Dubai

Business Avenue Building
Office # 713, Port Saeed Road,
P.O. Box # 90992, Dubai, UAE.
Tel : +97142956664
Fax : +97142956099

Singapore

20 Maxwell Road
#04-02 D, Maxwell House
Singapore - 069113
Tel: +65 6221 4090

Delhi

D 1st 145 Basement (Rear)
Lajpat Nagar R 1
New Delhi - 110 024
Tel: +91 11 4132 1037

Mumbai

8-B, Dariya Building
2nd Floor, In between American
Dry Fruits & Zara, Dr. D.N.Road
Fort, Mumbai 400 001
Tel: 022-22853371

Chennai

Old No. 123, New No.255,
3rd Floor, Hussiana Manzil,
Ankapanaiken Street,
Parrys, Chennai - 600 001
Tel: +91 98 40 844463

Cochin

Near St. Joseph's High
School Chittoor Road,
Cochin - 12, India
Tel : +91 484 2391895
office@callidusindia.com

INTERNATIONAL POWER DYNAMICS AND PIRACY IN INTERNATIONAL WATERS



The vast expanses of international waters have long served as a canvas upon which nations project their power, assert their interests, and navigate the complex dynamics of global maritime governance. Amidst this intricate tapestry of geopolitical interests, the spectre of piracy emerges as a persistent challenge, threatening not only maritime

commerce but also the stability of nations and the safety of seafarers. As the world becomes increasingly interconnected and reliant on maritime trade, understanding the intricate interplay between international power dynamics and piracy becomes imperative.

Piracy, once synonymous with historical narratives of

Akshay Ashok

The National University of
Advanced Legal Studies
(NUALS), Kochi

swashbuckling adventures, has evolved into a modern-day menace, facilitated by advancements in technology, weaponry, and illicit networks. Despite concerted efforts by the international community to



THOUGHT
for
the MONTH

Life isn't about finding
yourself, Life is about
creating yourself

GEORGE BERNARD SHAW



combat piracy through coordinated naval patrols, legal frameworks, and capacity-building initiatives, piracy continues to thrive in certain regions, fuelled by economic desperation, political instability, and regulatory loopholes.

At the heart of the piracy challenge lies a complex web of geopolitical interests and power dynamics. Nations with significant maritime capabilities vie for control and influence over key shipping lanes, using their naval prowess to safeguard their economic interests and extend their geopolitical reach. The strategic significance of maritime chokepoints, such as the Strait of Malacca, the Gulf of Aden, and the Bab el Mandeb, underscores the geopolitical stakes involved in combating piracy and ensuring the free flow of maritime trade.

Moreover, the resurgence of great power competition in the 21st century has injected new dimensions into the piracy equation. The rivalry between major powers for strategic dominance in key maritime regions often intersects with efforts to combat piracy, shaping the allocation of resources, the deployment of naval assets, and the formulation of regional security architectures.

What is piracy?

Prior to exploring solutions, however, it is critical to first understand what constitutes piracy – in general as well as in the specific context of Southeast Asia. According to the United Nations Convention on the Law of the Sea (UNCLOS), piracy consists of “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship,” which are typically undertaken on the high seas. Unlike traditional violent warfare, piracy does not include actions taken by state actors against other states; rather, it is perpetrated by private actors acting in their own (typically financial) self-interest. Notably, UNCLOS’ definition distinguishes piracy as only occurring in international waters, describing crimes committed

in national waters as armed robbery.

➤ Historical Context of Piracy

To understand the contemporary challenges posed by piracy in international waters, it's crucial to examine its historical roots. Piracy has a rich history dating back centuries, often intertwined with global trade routes and geopolitical rivalries. From the Barbary corsairs in the Mediterranean to the infamous pirates of the Caribbean, acts of piracy have long disrupted maritime commerce and challenged the authority of maritime powers.

➤ Evolution of Modern Piracy

While piracy may evoke images of bygone eras, its modern iteration is far more complex and sophisticated. Advancements in technology, including GPS systems and high-speed boats, have empowered pirate networks to operate more efficiently and evade traditional surveillance measures. Moreover, the proliferation of illicit arms trade and transnational criminal networks has provided pirates with access to advanced weaponry and resources, amplifying their threat to maritime security.

➤ Economic and Political Drivers

The resurgence of piracy in the 21st century cannot be divorced from its underlying economic and political drivers. In regions plagued by poverty, unemployment, and political instability, piracy often emerges as a means of livelihood for marginalized communities. Weak governance structures and ineffective law enforcement further exacerbate the problem, creating fertile ground for pirate activities to thrive.

Recent attacks at the Red Sea

The Red Sea stands as a vital maritime artery connecting the Mediterranean Sea to the Indian Ocean, serving as

a key transit route for global trade. Its strategic significance makes it a focal point for international powers seeking to assert influence and safeguard their interests. However, the narrow confines of the Red Sea also render it vulnerable to piracy and other security threats, particularly in areas such as the Bab el Mandeb Strait.

In recent years, the Red Sea has witnessed a resurgence of pirate activities, with a notable increase in attacks attributed to the Houthi rebels operating in Yemen. The Houthis, embroiled in a protracted conflict with the Yemeni government and its international backers, have increasingly turned to maritime piracy as a means of funding and sustaining their insurgency. These attacks have targeted commercial vessels, oil tankers, and humanitarian aid ships, posing a significant threat to maritime security and stability in the region.

The proliferation of Houthi attacks in the Red Sea carries profound geopolitical implications, intersecting with broader regional rivalries and power dynamics. The conflict in Yemen has drawn in regional actors, including Saudi Arabia, Iran, and the United Arab Emirates, each pursuing their strategic interests and backing different factions. As Houthi attacks escalate, they exacerbate tensions among these rival powers and contribute to the destabilization of the region.

➤ Geopolitical Implications

Piracy in international waters intersects with broader geopolitical dynamics, shaping the strategic calculations of maritime powers. Key shipping lanes and maritime chokepoints, such as the Strait of Hormuz and the South China Sea, serve as battlegrounds for influence and control. Competing interests among major powers, including the United States, China, and Russia, often play out in these critical maritime regions, influencing efforts to combat piracy and establish regional security architectures.

➤ International Response and Cooperation

Addressing piracy in international waters requires concerted international cooperation and coordination. Multilateral initiatives, such as the Contact Group on Piracy off the Coast of Somalia (CGPCS) and the Djibouti Code of Conduct, have sought to enhance maritime security through information sharing, capacity building, and legal frameworks. However, the effectiveness of these efforts is contingent upon the willingness of states to collaborate and allocate resources to combat piracy effectively.

➤ Challenges and Future Prospects

Despite significant strides in combating piracy, numerous challenges persist. The fluid nature of maritime security threats, coupled with the evolving tactics of pirate networks, necessitates ongoing adaptation and innovation in response strategies. Additionally, addressing the root causes of piracy, including poverty, political instability, and illicit networks,

requires comprehensive approaches that extend beyond traditional security measures.

Conclusion

In the vast expanse of international waters, the spectre of piracy looms large, posing a formidable challenge to global maritime security and stability. As explored throughout this article, piracy is not merely a relic of the past but a contemporary phenomenon shaped by evolving geopolitical dynamics and power struggles.

From the strategic chokepoints of the Strait of Malacca to the turbulent waters of the Red Sea, piracy manifests as a complex nexus of economic desperation, political instability, and transnational criminal networks. The resurgence of piracy, exemplified by the actions of groups like the Houthis in the Red Sea, underscores the intricate interplay between state and non-state actors in shaping maritime security threats.

Addressing piracy in international waters requires a multifaceted approach that goes beyond traditional security measures. While naval

patrols and legal frameworks play a crucial role, sustainable solutions must also address the root causes of piracy, including poverty, governance failures, and regional conflicts. Moreover, international cooperation and coordination are essential, as piracy knows no borders and requires collective action to effectively combat.

As the world becomes increasingly interconnected and reliant on maritime trade, safeguarding the free flow of goods and ensuring the safety of seafarers remain imperative. By navigating the complexities of international power dynamics and piracy, nations can work together to promote maritime security, foster regional stability, and uphold the principles of a rules-based maritime order.

Ultimately, the battle against piracy in international waters is a reflection of broader efforts to uphold global security and promote prosperity. Through collaborative action and sustained commitment, the seas can be reclaimed from the grasp of piracy, ensuring safe passage for vessels of all nations and securing the maritime domain for generations to come ■

A BRIEF ANALYSIS OF THE MAJOR AMENDMENTS IN U.A.E MARITIME LAW

Maritime law being a young specialist field in law requires continuous tracking and is expected to evolve drastically in the coming years. To cater for the development of maritime industry and to adapt to global trends, the United Arab Emirates has reworked on its previous legislation to come up with a fresh set of laws which would overcome the shortcomings of its predecessor. The U.A.E introduced a new legislation called the Federal Decree-Law No-43 of 2023, which came into force in March 2024. This legislation was intended to cure the confusion created by its predecessor and to some levels this new legislation has addressed those issues. This write-up briefly covers the amendments



about ship registration and ship arrest.

Ship Register -To start with, this new law has brought forward a plethora of amendments to the existing Vessel Registration Rules. A new “ship register” to record the registration of ships was constituted under the Ministry of Energy and Infrastructure as compared to the repealed law which authorised the Maritime Inspection Department (Ministry of Transportation) , the jurisdiction to register vessels. As per this new registration authority, more vessels could clear the eligibility test for flying a U.A.E flag. This also opened the way for chartered vessels to be registered and additionally vessels under construction could also register under the new legislation.

Under Art 13(1)(b) of Federal Law No-43 of 2023 a vessel could be registered in the ship register maintained by the Ministry of Energy and Infrastructure if the majority of the shares in the ship are owned by natural persons or juristic persons holding the nationality of the state or the nationality of one of the Gulf Cooperation Council Countries or the ownership belonging to natural persons or juristic persons with a domicile, head office, or ship management office in the state. Whereas, under Article 14 of the repealed act, registration of vessels in the UAE was exclusively for vessels owned by (i) individuals holding UAE nationality or (ii) companies where all or the majority of its shares are held by UAE nationals.

Registration of Under-Construction Ships -Article 24 of the repealed maritime law briefly touched upon the requirements for registering a newbuilding vessel in the UAE whereas Articles 9, 10 and 11 of the new maritime law deal with the registration of vessels under construction by registering the relevant shipbuilding contract in a special register (the “Under-Construction Ships Register”) in which shipbuilding contracts are to be registered. As per the new legislation, it is the shipbuilder, rather than the “shipbuilding seeker” (buyer), who records the shipbuilding contract in said register.

Chartered Vessels-Article 18 of the new maritime law allows charterers of vessels registered abroad to apply for registration of the vessels in the UAE and fly the UAE flag when the chartered vessel is not equipped and the duration of the charter party is not being less than six months, provided that the charterers meet the registration requirements of Article 13. Furthermore, under, Article 19- the owners of vessels registered under the UAE flag will be able to apply for permission to fly the flag of another country in the event the vessel is to be rented without equipment.

Arrest of Vessels- The new maritime law has come up with many significant amendments to the provisions and procedures of precautionary arrest over marine vessels. The new maritime law has increased the number of marine debts in relation to which a precautionary arrest may be pursued.

Article 53 of the Federal Decree-Law No. 43 of 2023 enumerates the marine debts in relation to which a precautionary arrest may be pursued to secure the payment thereof. Those marine debts include:

1. Damage caused by the Ship due to the operation of the Ship;
2. Loss of life or personal injury occurring in direct connection with the operation of the Ship;
3. Salvage operations or salvage agreements, even if the ship or its cargo causes imminent damage to the environment.
4. The damage that the ship may cause to the environment, the coastal strip, or the interests related to them, and the resulting expenses and costs related to avoiding, reducing, or eliminating the damage.
5. Costs of salving a sunken, wrecked, stranded or abandoned ship and those related to transporting them, restoring them, stopping their harmful effects, or destroying them.
6. Any agreement relating to the use of a ship, whether contained in a

charter party or other document.

7. Any agreement relating to the carriage of goods or passengers on board a ship, whether contained in a bill of lading, travel ticket, or other document.
8. Loss or damage to cargo or personal effects transported on board a ship.
9. General Average Losses.
10. Towing the Ship.
11. Piloting the Ship.
12. Supplying products or supplying the ship with fuel or tools necessary for use, maintenance, or preservation of the Ship, in whichever place the supply is made.
13. Building, rebuilding, repairing, or equipping the Ship and the costs of its mooring in docks.
14. Fees for ports, canals, basins, harbours and other waterways.
15. Wages due to the Master and members of the marine crew on board the Ship, including costs of their repatriation and social insurance contributions payable on their behalf.
16. Amounts paid on behalf of the shipowner or operator.
17. The insurance premiums for the ship and its Takaful insurance contributions that are obligated to be paid by the ship owner or the charterer, or their representative.
18. Any commissions, brokerage, or agency expenses payable by the unequipped ship owner, charterer, or their representative.
19. Any dispute over ownership or possession of the ship.
20. Any dispute over the joint ownership of the Ship, or the right to the profits arising out of the use thereof.
21. Mortgage of the ship or any other security rights in rem that burdens it.
22. Any dispute arising from the ship sale contract.

The new legislation extended the scope of the vessels of the debtor that can be subjected to precautionary arrest. Article 54 of the Federal Decree-Law No. 43 of 2023 allows the arrest of the vessel to which the debt relates, or any other ship which is owned by the debtor at the time the precautionary arrest petition is submitted. The maritime law no. 26 of 1981 would not allow the arrest of any ship owned by the debtor at the time the petition is submitted, if it was not owned by the debtor at the time the

debt arose. Hence this ground-breaking amendment will alert the debtors and this would instigate to clear debts quickly.

On the other hand, the new maritime law has limited the right of the creditors of a charterer to arrest the chartered ship by making the arrest permissible only during the validity of the charter party agreement. The new law mandates that applicants seeking the arrest of a vessel must provide financial security to cover the expenses of the crew and

vessel maintenance. The new maritime law also brings vessel arrest within the UAE aligned with some international standards, particularly with respect of the ability to lift an arrest by posting a letter of guarantee from a P&I club or approved financial institution.

Conclusion- The amendments look promising and the ministry looks ready to bring more vessels under its flag. But only time will guarantee the smooth functioning of this new legislation ■



FOUR CREWMEMBERS MISSING AFTER CHINESE VESSEL HITS BRIDGE AND SINKS



Chinese officials report a massive search is underway for four missing crewmembers after a vessel hit a bridge crossing the Xijian River and sunk. Seven of the 11 crew aboard the vessel were rescued overnight in a situation that was very similar to another accident on the river in 2007 that killed at least nine people.

The unidentified vessel was transporting 4,900 tonnes of rolled steel on the river travelling between Fuzhou and Heshan. The area has been experiencing extreme rain conditions and flooding

since the weekend with state media reporting at least 10 people are missing from the flooding and at least four killed. In addition, 110,000 residents across Guangdong province have been relocated due to flooding.

The ship hit one of the pillars of the bridge at around 9:20 p.m. local time and the cargo hold reportedly started to flood. The vessel grounded but around 11:40 p.m. is reported to have sunk into the river which is one of the main tributaries of the Pearl River. The crewmembers were reported

to have fallen into the swollen river.

The Jiujian Bridge which was struck is well-known as it is 1,682 meters in length (more than 1 mile) and was the first large prestressed concrete cable-stayed bridge in the Asia-Pacific region. It opened in 1988.

An inspection showed abrasions along the pillar and Chinese officials implemented traffic control restrictions on the river. The bridge is undergoing further safety checks.

The reports are blame the improper operation of the vessel due to the flooding from upstream and strong currents in the river. It is eerily similar to an accident in June 2007 when a vessel loaded with sand struck the Jiujian Bridge. In that incident, 150 meters (more than 490 feet) of the bridge collapsed into the river while the vessel also sank. Four vehicles that were on the bridge fell into the river and nine people were known to be missing. Chinese officials later reported the sand barge steamed out of the main navigation channel and hit an auxiliary pillar, which could only resist a 40-ton shock. As with today's accident they blamed the flooding, current, and incorrect operation of the vessel ■

www.maritime-executive.com

Address: Near St. Joseph's High School, Chittoor Road, Cochin- 12, India, T: +91 484 2391895, office@callidusindia.com

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